

DEPARTMENT OF THE INTERIOR (DOI)**Statement of Regulatory Priorities**

The Department of the Interior (DOI) is the Nation's principal conservation agency, responsible for the management of much of our public lands and resources. It also has major responsibility for actions involving American Indians, Alaska Natives, and residents of island territories under the administration of the United States. Its mission is to encourage the conservation and responsible management of the Nation's natural resources and to fulfill the trust responsibilities of the U.S. Government.

In carrying out these responsibilities, the Department pursues the following major objectives:

- Preserving the Nation's national park, wilderness, and fish and wildlife resources and managing its public lands;
- Managing the supply of quality water resources;
- Improving the Federal Government's relationship with State, local, tribal, and territorial governments;
- Promoting the economic and social well-being of American Indians, Alaska Natives, and people of the U.S. territories; and
- Enhancing America's ability to meet its needs for domestic energy and mineral resources.

Major Regulatory Areas

Only one of DOI's ten bureaus—the Office of Surface Mining Reclamation and Enforcement—is primarily engaged in activities most often considered “regulatory.” Its regulations set environmental standards for coal mining and reclamation operations and ensure that these standards are met through State programs.

A number of other bureau activities, however, have regulatory components. Those regulations serve primarily to facilitate DOI programs, which focus upon the management of public or trust lands and natural resources under U.S. ownership or control. Some of the major areas of these regulations include:

- Management of migratory birds and preservation of certain marine mammals and endangered species;
- Management of dedicated lands, such as national parks, wildlife refuges, and American Indian trust lands;
- Management of public lands open to multiple use;
- Leasing and oversight of development of Federal energy, mineral, and renewable resources;

- Management of revenues from American Indian and Federal minerals;
- Fulfillment of trust and other responsibilities pertaining to American Indian tribes;
- Natural resource damage assessments; and
- Management of financial and nonfinancial assistance programs.

Regulatory Policy***DOI Regulatory Procedures and Their Consistency With the Administration's Regulatory Policies***

Within the general requirements and guidance set forth in Executive Orders 12866, 12612, and 12630, DOI's regulatory program seeks to accomplish the following: (1) Fulfill all legal requirements as specified by statutes or court orders; (2) perform essential functions that cannot be handled by non-Federal entities; (3) minimize regulatory costs to society while maximizing societal benefits; and (4) operate programs openly, efficiently, and in cooperation with Federal and non-Federal entities. During the past year, the Department concentrated on eliminating and reinventing regulations, fostering partnerships with regulated entities, and maximizing the use of negotiated rulemakings. The Department acknowledges that regulatory reform is a continuing process.

In October of 1995, the Department transferred the administrative functions for regulatory review to the Office of the Solicitor. By moving these functions to the Office of the Solicitor, regulatory review and coordination have been improved. Bureaus now can obtain administrative review and legal review at the same time, and the Regulatory Affairs staff in the Office of the Solicitor can track the progress of rules and serve as a point of contact for the bureaus regarding the status of rules submitted for departmental review. In addition, the Regulatory Affairs staff and the Office of Policy Analysis are updating the departmental manual to provide clearer guidance on regulatory procedures and compliance with new statutes, such as the Small Business Regulatory Enforcement Fairness Act, the Unfunded Mandates Reform Act, and the Paperwork Reduction Act of 1995.

The Department recognizes that a key to improving the regulatory process is writing clear and simple regulations. In this context, we are especially proud of our broad-based effort to incorporate plain English into most of our new and

revised regulations. This fresh approach to drafting regulations has complete support at the highest levels of the Department and is being implemented agencywide through a series of training courses and workshops for which the Department has retained an outside contractor.

The dramatic results of this new model for regulatory language can be seen in recent proposed and final regulatory revisions published by the Bureau of Indian Affairs, the Bureau of Land Management, and the Minerals Management Service.

Encouraging Responsible Management of the Nation's Resources

One of DOI's fundamental goals is to encourage the responsible management of the Nation's natural heritage. The regulatory program is designed to help achieve this by striking an appropriate balance between the use and preservation of natural resources. In this vein, the Department is seeking ways to provide incentives for users of public resources to adopt long-term strategies designed to meet current needs while preserving resources for future generations. DOI also is seeking to ensure that the Government receives fair prices for public resources.

Minimizing Regulatory Burdens

DOI has made a major effort to streamline its regulations and to reduce the burdens that they impose. Planning processes for land use and water development have been substantially modified to reduce unnecessary delays and paperwork associated with agency decisionmaking. Moreover, DOI is currently reviewing regulations to determine whether their benefits continue to outweigh their costs to society. Rules will continue to be reassessed periodically, and needed changes will be made as existing operations are evaluated.

The Department's review of potential rules focuses both on assuring consistency with broad regulatory policies and goals and on making certain that rules are technically feasible and understandable. DOI is encouraging the use of performance standards rather than traditional command-and-control regulations, providing regulated entities with greater flexibility to develop more efficient and less burdensome compliance procedures. The Department's plain English initiative improves the clarity of regulations and reduces confusion for the regulated party and the agencies responsible for implementing the regulations.

Encouraging Public Participation and Involvement in the Regulatory Process

One of the goals of Executive Order 12866 is to ensure that the public has full and adequate opportunities to participate in the development of regulations. Encouraging increased public participation in the regulatory process so as to make regulatory policies more responsive to our customers' needs is a priority under this Administration.

The Department is reaching out to communities and seeking their input on a variety of regulatory issues. For example, every year the Fish and Wildlife Service (FWS) establishes migratory bird hunting seasons. The FWS develops the annual migratory bird hunting seasons in partnership with "flyway councils," which are made up of State fish and wildlife agencies. As the process evolves each year, FWS holds a series of public meetings to afford other interested parties, including hunters and other special interest groups, adequate opportunity to participate in the establishment of the upcoming seasons' regulations.

DOI is also encouraging the use of negotiated rulemaking to develop rules with the full participation of affected communities. Several bureaus are currently either employing negotiated rulemaking techniques or are exploring whether negotiated rulemaking is appropriate and feasible for particular rules.

Finally, departmental policies are designed to delegate decisionmaking, including development and operation of DOI's regulatory programs, to the lowest appropriate level. With decentralization, management procedures can be developed that are sensitive to the various local needs and interests affected by DOI programs.

Bureaus and Offices Within DOI

The following are brief descriptions of the regulatory functions of DOI's major regulatory bureaus and offices.

Office of the Secretary, Office of Environmental Policy and Compliance

The regulatory functions of the Office of Environmental Policy and Compliance (OEPC) stem from requirements under section 301(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA). Section 301(c) requires the development of natural resource damage assessment rules and the biennial review and revision, as appropriate, of these rules. Rules have been promulgated for the

optional use of natural resource trustees to assess compensation for damages to natural resources caused by oil or hazardous substances. OEPC is overseeing the study and possible promulgation of additional rules pursuant to section 301(c)(2) and the review and possible revision of the existing rules in compliance with section 301(c)(3).

In undertaking DOI's responsibilities under section 301(c), OEPC is striving to meet three regulatory objectives: (a) That the minimal amount of regulation necessary be developed; (b) that the assessment process provide for tailoring to specific discharges or releases; and (c) that the process not be considered punitive, but rather a system to achieve fair and just compensation for injuries sustained.

Bureau of Indian Affairs

The philosophy of the Bureau of Indian Affairs (BIA) is to encourage the development and management of human and other resources among American Indians and Alaska Natives, to encourage tribal assumption of BIA programs, and to fulfill trust and other responsibilities of the U.S. Government. BIA regulatory actions serve to balance its dual role as: (a) Advocate in assisting tribes and encouraging their participation in BIA programs and (b) trustee protecting and/or enhancing American Indian trust resources.

Important BIA programs are promulgated through regulations, rather than informal guidelines, so that American Indians are aware of and have an opportunity to participate in the development of standards and procedures affecting them. BIA regulatory policies seek to accomplish the following: (a) Ensure consistent policies throughout American Indian Country; (b) promote American Indian involvement in the operation, management, planning, and evaluation of BIA programs and services; (c) provide guidance to applicants for BIA services; and (d) govern the development of American Indian lands and provide for the protection of American Indian treaty and statutory rights.

BIA's regulatory program is designed (a) to promote American Indian self-determination, (b) to provide American Indians and Alaska Natives with high-quality education and tribal development opportunities, (c) to meet BIA's trust responsibilities, and (d) to meet the needs of tribes and their members.

In furtherance of the goals mentioned above, the Bureau will publish, this year, a significant rule to implement the Tribal Self-Governance Act of 1994. The Act allows tribes to receive their share of the funds used to administer certain programs within the Bureau. Tribal governments then assume total responsibility for providing services under these programs to their citizens and exercise discretion over the use of the funds according to tribal priorities. Tribes also are eligible to negotiate to operate certain non-BIA programs or services at the discretion of the Secretary. In these instances, funding amounts are negotiated and incorporated in annual funding agreements between the tribe and the non-BIA bureau.

Bureau of Land Management

The Bureau of Land Management (BLM) is responsible for the development, management, and protection of public land resources that traditionally have been subject to multiple use. The principal authorities for the BLM's activities are the Federal Land Policy and Management Act of 1976, the Mineral Leasing Act of 1920, the Taylor Grazing Act of 1934, the Mining Law of 1872, the Wild and Free-Roaming Horse and Burro Act, and the Recreation and Public Purposes Act. BLM's programs cover three main program areas: Energy and minerals, renewable resources, and lands, including conducting Federal land surveys and maintaining the official records for all Federal and former Federal lands and minerals.

BLM's fundamental regulatory philosophy is that public resources should be managed responsibly, providing maximum benefits to the public, while conserving scarce resources for future generations. BLM's regulatory program is designed to ensure that:

- The resources in the Nation's lands are effectively and efficiently managed in accordance with law;
- The public's concern for the resources will be reflected in significant opportunity for participation in the development of rules;
- The regulatory compliance burden on individuals, firms, and other affected entities is kept to a minimum; and
- Individuals and firms operating under BLM regulations are given the opportunity to respond to and make decisions based upon assessments of market situations.

Minerals Management Service

The Minerals Management Service (MMS) has two major responsibilities: (a) Timely and accurate collection, distribution, accounting for, and auditing of revenues owed by holders of Federal onshore, offshore, and tribal land mineral leases in a manner that meets or exceeds Federal financial integrity requirements and recipient expectations and (b) management of the resources of the Outer Continental Shelf (OCS) in a manner that provides for safety, protection of the environment, and conservation of natural resources. These responsibilities are carried out under the provisions of the Federal Oil and Gas Royalty Management Act, the Minerals Leasing Act, the Outer Continental Shelf Lands Act, the Indian Mineral Leasing Act, and other related statutes.

The regulatory philosophy of MMS is to develop clear, enforceable rules that support the missions of each program. During the past year, passage of the Deep Water Royalty Relief Act required MMS to issue implementing regulations. MMS will continue work on these rules in the coming year. MMS will continue to review rules and issue amendments in response to new technology and new industry practices. Other rules will address spill response and financial responsibility under the Oil Pollution Act of 1990 and end of lease responsibility.

MMS also plans to continue its review of existing regulations and to issue rules to refine the royalty management regulations in chapter II of 30 CFR. Our revisions underway to the royalty management regulations cover oil and gas valuation of Federal and Indian leases. The Federal Oil and Gas Royalty Simplification and Fairness Act of 1996 will require numerous additional changes to the royalty management regulations including the delegation of royalty collection and related activities to States.

Office of Surface Mining Reclamation and Enforcement

The Office of Surface Mining Reclamation and Enforcement (OSM) was created by the Surface Mining Control and Reclamation Act of 1977 (SMCRA) to "strike a balance between protection of the environment and agricultural productivity and the Nation's need for coal as an essential source of energy."

The principal regulatory provisions contained in title V of SMCRA set minimum requirements for obtaining a permit for surface coal mining

operations, set standards for surface coal mining operations, require land reclamation once mining ends, and require rules and enforcement procedures to ensure that the standards are met. Under SMCRA, OSM serves as the primary enforcer of SMCRA until the States achieve "primacy," that is, until they demonstrate that their regulatory program meets all the specifications in SMCRA and has regulations consistent with those issued by OSM.

A primacy State takes over the permitting, inspection, and enforcement activities of the Federal Government. OSM then changes its role from regulating mining activities directly to overseeing and evaluating State programs. Today, 24 of the 27 key coal-producing States have primacy. In return for assuming primacy, States are entitled to regulatory grants and to grants for reclaiming abandoned mine lands. In addition, under cooperative agreements, some primacy States have agreed to regulate mining on Federal lands within their borders. Thus, OSM regulates mining directly only in nonprimacy States, on Federal lands in States where no cooperative agreements are in effect, and on American Indian lands.

SMCRA charges OSM with the responsibility of publishing rules as necessary to carry out the purposes of the Act. The most fundamental mechanism for ensuring that the purposes of SMCRA are achieved is the basic policy and guidance established through OSM's permanent regulatory program and related rulemakings. Its regulatory framework is developed, reviewed, and applied according to policy directives and legal requirements.

Litigation by the coal industry and environmental groups is responsible for some of the rules now being considered by OSM. Others are the result of efforts by OSM to address areas of concern that have arisen during the course of implementing OSM's regulatory program, and one is the result of legislation.

OSM has sought to develop an economical, safe, and environmentally sound program for the surface mining of coal by providing a stable regulatory framework. To achieve stability, OSM has endeavored to create a regulatory program that provides a high degree of continuity in its requirements and creates minimal uncertainty concerning the nature and pace of changes to existing provisions.

OSM also has worked to create a consistent regulatory framework. At the same time, however, OSM has recognized the need (a) to respond to local conditions, (b) to provide flexibility to react to technological change, (c) to be sensitive to geographic diversity, and (d) to eliminate burdensome recordkeeping and reporting requirements that over time have proved unnecessary to ensure an effective regulatory program.

Major regulatory objectives regarding the mining of surface coal include:

- Continuing outreach activities with interested groups during the rulemaking process to increase the quality of the rulemaking process, improve the substance of the rules, and, to the greatest extent possible, reflect consensus on regulatory issues;
- Minimizing the recordkeeping and regulatory compliance burden imposed on the public by means of a review and, where advisable, revision of unnecessary and burdensome regulatory requirements; and
- Publishing final rules to implement the Energy Policy Act of 1992, Public Law 102-486.

U.S. Fish and Wildlife Service

The U.S. Fish and Wildlife Service has three basic mission objectives:

- To assist in the development and application of an environmental stewardship ethic based on ecological principles and scientific knowledge of fish and wildlife;
- To guide the conservation, development, and management of the Nation's fish and wildlife resources; and
- To administer a national program to provide the public with opportunities to understand, appreciate, and wisely use fish and wildlife resources.

These objectives are met through the following regulatory programs:

- Management of Service lands, primarily national wildlife refuges;
- Management of migratory bird resources;
- Conservation of certain marine mammals and endangered species;
- Allowance of certain activities that would otherwise be prohibited by law; and
- Administration of grant and assistance programs.

The Service maintains a comprehensive set of regulations in the first category—those that govern public access, use, and recreation on national wildlife refuges and in national fish hatcheries. As required by law, the Service is authorized to allow such uses

only if they are compatible with the purpose for which each area was established. These regulations will be as consistent with State and local laws as practicable and will afford the public as much economic and recreational opportunity as possible. Consistent with the purposes for which those areas are established, with very few exceptions, the Service provides these types of opportunities on each of the more than 500 refuges and hatcheries. These regulations are developed and continually reviewed for improvements, with a substantial amount of public input, and are typically of limited geographical interest.

Management of migratory bird resources, covered by the second category of regulations, entails fulfilling U.S. obligations contained in various international treaties. This regulatory program entails an annual issuance on migratory bird hunting seasons and bag limits, developed in partnership with the States, American Indian tribal governments, and the Canadian Wildlife Service. Although these rules are issued annually, this regulatory program has been in existence for more than 50 years and has not significantly changed over that period of time. The regulations are necessary to permit migratory bird hunting that would otherwise be prohibited. Although recent declines in waterfowl populations have reduced the numbers of such birds that may be harvested, the regulations generally do not change significantly from one year to another.

The third category includes regulations to fulfill the statutory obligation to identify and conserve species faced with extinction. The basis for determining endangered species is limited by law to biological considerations, although priorities for allocating Service resources are established consistent with the President's policies (by directing the Service's efforts to species most threatened and those whose protection is of the most benefit to the natural resource). Also included in this program are regulations to enhance the conservation of listed species and of marine mammals for which DOI has management responsibility. This program also contains regulations that provide guidance to other Federal agencies to assist them in complying with section 7 of the Endangered Species Act, which requires them not to conduct activities that would jeopardize the existence of endangered species or adversely modify critical habitat of listed species.

In designating critical habitat, the Service considers biological information and economic and other impacts of the designation. Areas may be excluded from the designation where the benefits of exclusion outweigh the benefits of inclusion, provided that the exclusion will not result in the extinction of the species.

The fourth category—the Service's regulatory program that permits activities otherwise prohibited by law—entails regulating possession, sale or trade, scientific research, and educational activities involving fish and wildlife and their parts or products. Generally, these regulations are supplemental to State protective regulations and cover activities that involve interstate or foreign commerce, which must comply with various laws and international obligations. The Service is continually working with foreign and State governments, the industry and individuals affected, and other interested parties to minimize the burdens associated with Service-related activities. The easing of such burdens through regulatory actions continues to balance the benefits that may be made available with the necessity to ensure adequate protection to the natural resource. Most of the regulatory activities are permissive in nature, and the concerns of the public generally center on technical issues.

The last category—the Service's assistance programs—includes a limited number of regulations necessary to ensure that assistance recipients comply with applicable laws and Office of Management and Budget (OMB) Circulars. Regulations in this program help the affected parties to obtain assistance and to comply with requirements imposed by Congress and OMB.

Bureau of Reclamation

In recent years, the Bureau of Reclamation's mission and goals have substantially changed. Its new mission is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public. To accomplish this mission, Reclamation applies management, engineering, and scientific skills that result in effective and environmentally sensitive solutions.

Reclamation projects provide for some or all of the following concurrent purposes: Irrigation water service, municipal and industrial water supply, hydroelectric power generation, water quality improvement, groundwater

management, fish and wildlife enhancement, outdoor recreation, flood control, navigation, river regulation and control, system optimization, and related uses.

The Bureau's regulatory program is designed to ensure that its mission is carried out expeditiously and efficiently.

DOI—Bureau of Indian Affairs (BIA)

PROPOSED RULE STAGE

48. TRIBAL SELF-GOVERNANCE

Priority:

Other Significant

Legal Authority:

PL 103-413

CFR Citation:

25 CFR 1000

Legal Deadline:

None

Abstract:

This rule will clarify how the Department and tribes will carry out their respective responsibilities under the Tribal Self-Governance Act of 1994. At the request of a majority of Indian tribes with self-governance agreements, the Secretary has established a negotiated rulemaking committee to negotiate and promulgate such regulations as are necessary to carry out the Act.

Statement of Need:

The Department of the Interior (DOI) needs to clarify how it and the tribes will carry out their respective responsibilities under the Tribal Self-Governance Act of 1994. Provisions are needed to clarify or establish:

- Procedures for conducting negotiations, defining stable base budgets, time lines for the transfer of funds for tribes, and the amount of residual funds to be retained;
- The processes for accepting new tribes into the self-governance program planning and negotiation process, for awarding planning and negotiation grants, for approving waiver requests, and for determining and negotiating tribal shares of BIA and eligible non-BIA programs;
- Mechanisms for reviewing tribal trust functions;
- Retrocession procedures;

- Procedures for ensuring that proper health and safety standards exist in construction projects and are included in annual funding agreements;

- Reporting requirements of tribes and DOI; and

- A mechanism for negotiating the inclusion of specific provisions of Federal procurement regulations into annual funding agreements.

DOI expects that the rulemaking process will identify other components of the program that require clarification.

Summary of the Legal Basis:

The Tribal Self-Governance Act of 1994 requires DOI, upon request of a majority of self-governance tribes, to negotiate and promulgate regulations to carry out the tribal self-governance program. The Act calls for a negotiated rulemaking committee under 5 USC 565, composed of Federal and tribal representatives, with a majority of the tribal representatives from self-governance tribes. The Act also authorizes DOI to adapt negotiated rulemaking procedures to the unique context of self-governance and the government-to-government relationship between the United States and the Indian tribes. On November 1, 1994, a majority of self-governance tribes wrote the Secretary requesting the immediate initiation of negotiated rulemaking.

Alternatives:

There is a range of alternatives for each of the program components, from maintaining discretion and flexibility at the local level to standardizing requirements and procedures on the national level.

Anticipated Costs and Benefits:

The rule is expected to promote greater efficiency of Federal and tribal government operations. It is also expected to reduce opportunity costs resulting from untimely Federal actions. The rule will improve the ability of Federal and tribal governments to plan their self-governance activities. This should lead to greater stability of operations. Clarifying procedures for conducting operations will improve the ability of governments to plan for the time and cost of conducting negotiations. Clarifying time lines for transfer of base funding and other funds to tribes will improve planning and reduce the opportunity costs resulting from the untimely transfer of funds under the self-governance program. Budget and operation planning will be improved by

specifying the process for accepting additional tribes into the self-governance program planning and negotiating process as well as the process for awarding planning and negotiation grants. Since retrocession procedures will be specified, governments will be better able to plan for retrocessions. Standardization of tribal shares will allow the self-governance program to comply with statutory requirements not to limit or, reduce the services, contracts, or funds that any other Indian tribe or tribal organization is eligible to receive.

Risks:

By removing uncertainty and promoting a more stable framework for the program, the rule will greatly lower the risk of not achieving the stated goals of tribal self-governance. It will change the role of Federal agencies that serve tribes by shifting their responsibilities from day-to-day management of tribal affairs to those concerned with protecting and advocating tribal interests.

Timetable:

Action	Date	FR Cite
Notice of Intent to Establish a Negotiated Rulemaking Committee	02/15/95	60 FR 8806
NPRM	12/00/96	

Small Entities Affected:

Governmental Jurisdictions

Government Levels Affected:

Tribal, Federal

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DOI—Bureau of Land Management (BLM)

PROPOSED RULE STAGE

49. • OIL AND GAS LEASING AND OPERATIONS

Priority:

Other Significant. Major status under 5 USC 801 is undetermined.

Reinventing Government:

This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority:

30 USC 181 et seq

CFR Citation:

43 CFR 3100

Legal Deadline:

None

Abstract:

This rule will revise the BLM's current Federal oil and gas leasing and operations regulations. The regulation will be written in plain English to make it more clear and understandable to the reader. It will also use performance standards in lieu of prescriptive requirements that will be flexible for operators and BLM and at the same time ensure protection of the environment and Federal royalty interests. American Petroleum Institute (API) and American Gas Association (AGA) standards will be cited rather than parrot those requirements in the rule itself. Finally, BLM Onshore Orders will be incorporated into the operating regulations, thereby locating all BLM oil and gas regulations in one place.

Statement of Need:

This rulemaking is necessary to comply with National Performance Review recommendations and other reinventing government initiatives. The rule is also needed to clarify and streamline existing regulations.

Summary of the Legal Basis:

The Mineral Leasing Act gives BLM authority to lease oil and gas on Federal lands and conduct operational inspections and enforcement of the regulations in leased areas. With respect to Federal oil and gas leasing, no other agency or entity has authority

to undertake these actions on behalf of the United States.

Alternatives:

The alternative would be not to reinvent BLM's current regulatory scheme and to continue to operate under prescriptive regulations which are at times ambiguous and hard to understand. This alternative of reinventing BLM's oil and gas leasing and operational regulations was chosen to make the regulations more clear and understandable. The proposed rule will allow operators flexibility to deal with unique geologic or engineering circumstances while at the same time protect the environment by requiring compliance with meaningful standards.

Anticipated Costs and Benefits:

We anticipate that this rule will promote greater efficiency from both the public and BLM. We believe that by making the regulations clearer, the "rules of the game" will be better understood by our external customers and by the people in BLM charged with enforcing the requirements of the rule. We also believe that performance standards will allow operators to develop more efficient ways of complying with the regulations because they will have the flexibility to deal

with unique geologic or engineering circumstances in novel ways as long as they meet the standard set by the rule. BLM will cite API and AGA standards in the rule and this may add additional costs for some operators to acquire those written standards. However, many operators already own copies of those standards and if they do not, copies are available in public and university libraries and will be available at BLM offices. The API and AGA standards are reasonably available to the public. We believe that the benefits of performance-based regulations versus prescriptive regulations, along with the availability of the written standards outweigh any potential costs an operator may undertake.

Risks:

It is possible that the public will not understand or will misinterpret the performance standards we set out in the rule. We have taken this into account and plan to draft user guides before the rule takes effect. The user guides will offer the public detailed explanations of the standards in the regulations and will provide examples of how an operator might meet a given standard. If we find that a given

standard is flawed, we will adjust the standard in future rulemakings. As always, we welcome public comment on the proposed rulemaking and invite the public to comment in particular on the performance standards we set out in the rule.

Timetable:

Action	Date	FR Cite
NPRM	11/00/96	

Small Entities Affected:

None

Government Levels Affected:

None

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